

ENTERED

July 07, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JEROME RANDLE,
TDCJ-CID #01922498,

Petitioner,

v.

BOBBY LUMPKIN,

Respondent.

CIVIL ACTION NO. H-21-0284

MEMORANDUM OPINION AND ORDER

Petitioner, a state inmate proceeding *pro se* and impliedly seeking leave to proceed *in forma pauperis*, filed a habeas petition challenging the federal government's refusal to send him an economic impact relief payment. He seeks monetary damages, injunctive relief, and a contempt order.

The threshold issue is whether the habeas petition should be allowed to proceed. Having reviewed the pleadings as required under 28 U.S.C. § 2241, *et seq.*, and Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, the Court concludes that the petition must be dismissed for failure to state a cognizable claim for habeas relief.

Courts may only consider federal habeas petitions under 28 U.S.C. § 2254 on grounds that the petitioner is in custody in violation of the Constitution or federal laws. See 28 U.S.C. § 2254(a); *Preiser v. Rodriguez*, 411 U.S. 475, 484–87 (1973). Claims premised on alleged

constitutional violations that do not challenge a prisoner's custody may not be raised in a habeas action. Petitioner filed this habeas lawsuit under section 2254, raising violations of an alleged due process right to receive federal economic stimulus payments. His claims do not challenge the validity of his imprisonment, and the granting of relief on his claims would not require or accelerate his release from prison. Consequently, no cognizable habeas claim has been raised, and this habeas petition must be dismissed without prejudice to petitioner's seeking relief in an appropriate court of proper jurisdiction.

The petition is **DISMISSED WITHOUT PREJUDICE** for failure to state a cognizable federal habeas claim for relief. Any and all pending motions are **DENIED AS MOOT**. A certificate of appealability is **DENIED**.

Signed at Houston, Texas, on JUL 07 2021.



ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE